G.R.S. IX—5]

Previous reference 1913 ... Letters

File No. 11-13

Serial Nos. 1-2

Later references

(P-36)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. A Collection (manuscript

~~**Part B for**~~

SUBJECT

Regulation further to amend the Land Revenue Code, 1888

WD 2201 / 1236 Int - T.S.

1913 - 14

Legis File No. 11 of 1913-14

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Proceedings of the General and Revenue Departments.

Judicial and Legislative Section.

"A" Collection: Serial Nos. 1 - 2

A Regulation further to amend the Mysore Land Revenue Code 1888.

Table of Contents.

Serial No. of File.	Number and date of letter and contents.	Reference.	Page in A. Progs.
	D.O No 2005, dated 4th August 1914 from the Dewan to the Hon'ble the Resident in Mysore. Forwards a copy of the Bill further to amend the Mysore Land Revenue Code 1888, with a statement of objects & reasons and states that the Bill will be placed before the Legislative Council in due course.		
	D.O. No 5622, dated 14th August 1914 from the First Assistant to the Hon'ble the Resident in Mysore states that there is no prima facie objection to the Bill being placed before the Legislative Council		

G. R. S. 11] 1913-14

GENERAL AND REVENUE SECRETARIAT.

(Legis)

NOTES.

File No. 11-13

FILE HEADING.

Amendment of the Mysore Land Revenue Code, 1888, (sections 110(6), 181, 182, and 236).

From

No.	Dated	Received
Diary No.	Enclos. Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

"Extract from the Sadar Notes of L. R. 456 of 1911-12"

× × ×

Submitted to His Highness

2. The Revenue Commissioner has brought

NOTES—First Sheet.

Serial No.

to notice that there is an inconsistency between the form prescribed in Appendix B of the Land Revenue Rules for Proclamation and Notification of sale of immovable property declared forfeited for default in payment of land revenue thereon and section 179 of the Land Revenue Code.

3. Section 179 provides that if the person whose bid is accepted at the sale fails to deposit 25 per cent. of the purchase money as required by the section, the property should be put up for sale while in the proclamation of sale a condition is inserted that the ~~def~~ purchaser will in addition be liable to make good the deficiency, if any, resulting from the resale. This condition applies under section 182 only to cases in which the purchaser having paid the deposit fails to pay the balance of the purchase money within 15 days.

4. The first councillor points out that under the civil Procedure cod

NOTE—Contn. sheet.

GPB—70,000—17-12-15

Serial No.

no distinction is made between purchasers who make default in paying 25% per cent. of the purchase money and those who having paid the deposit make default in payment of the balance and that both are equally liable to be proceeded against for the difference in price between the original sale and the subsequent sale and that the same principle should be followed in the case of revenue sales. He is of opinion that though section 182 may be interpreted so as to apply to both classes of defaulters it is desirable to clear the doubt by a suitable amendment of section 182. He also suggests that when default is made in payment only of the balance of the purchase money, the forfeiture of the deposit should be made optional as in the case of Civil Court sales.

5. The proposals of the First Councillor involve the amendments of certain sections of the Land Revenue Code, and if His Highness

(5)

NOTE—Contn. sheet.

GPB—70,000—17-12-15

G. R. S. 12]

General and Revenue Secretariat. | File No. of 191 .

Serial No.

approves, I shall take steps in the Legislative Department to introduce the necessary amendments. There are also some other proposals for amendments of other sections of the code pending and the opportunity will be taken to consolidate them and introduce them in a single Bill.

6. The proposal to amend sections 181 and 182 of the Land Revenue Code may be approved.

(Sd) M. Visvesvaraya
26/5/1913

Order

"Approved"

(Sd) K. R. W.
3/6/13

Linked to this Subd. Three files R. Mis 84-12, L.R. 456 of 1911-12 and L.S. 44-12 (for further action) have been received in this Branch containing the proposals for the amendments of section 110(6), 181 and 182, and containing the reply of Gov

NOTE—Contn. sheet.

(5)

GPB—70,000—17-12-15

Mis 85/13-14

G. R. S. 12]

General and Revenue Secretariat.

Legis File No. 11 of 191 3-14

Serial No.

on subject No 167 of the R.A. proceedings of 1912 re the comp introduction of Survey and settlement into Inam villages ordering the introduction of a Bill into the Legislative council. A draft Bill with statement of Objects and reasons is herewith put up.

(58) S.V.S
1/9/13 " N.N

2) Please put up typed copies of the bill & S. of Objects & Reasons as revised by me

S. P. Rajagopalachariar
S/9

S/9

3) To the Typing section for preparing 2 typed copies of the draft Bill and statement of Objects & Reasons in half margin.

9/9

(58) S.V.S
2/9/13

4) Two typed copies submitted

(58) 8/9/13 MM

5) The wording of the proposed amendment of Sec. 236 requires Govt's approval

Dy Secy
S/9

6) Draft submitted. As regards Sec 182 of the Land Rev. Code Govt's permission to make a few

8/9

7

GPE—65,000—17-6-12.

Proc. 85 | 13-14

G. R. S. 12]

General and Revenue Secretariat. | File No. of 191

Serial No.	
	remarks.
	7) Both the Sections 179 & 181 deal with defaulting purchasers, the word "default" occurring in each of them. And Sec 182 uses the expression "such defaulting purchaser". This circumstance and the independent position of sec 182 I do not seem to leave room for any reasonable doubt as to its application to both the cases contemplated in Secs 179 & 181.
	8) If however amendment is necessary, the alternative of adding the expression "under sec 179 or sec 181 preceding" after "made" in line 2 of sec 182 may be taken into consideration if deemed fit.
	1st Councillor) Dhruvarajulu 10/9/13
	S. 110 - 9) Is the expression 'resumed by Govt for the arrears due thereon" used anywhere in the Code now? If not under what authority is ~~the~~ such resumption made? If 'resumption' is the equivalent of forfeiture; the same phraseology may be employed. I am doubtful whether the amendment is valid at.

NOTE—Contn. sheet.

GPE—65,000—17-6-12.

Serial No.

all & perhaps that accounts for such a provn not being in the Bombay Code.

10) S. 182. The question raised by the Dy Secy has already been considered in the other. I am inclined to the same opinion still. That S. 182 does not ~~also~~ relate to 179 is doubtful & the Stt of objects & reasons requires amendment.

S. 236 (1) The last amendment & draft seems all right.

H. V. N

12/9/13

12/9 Draw 13/9 Brought up 13/9

K. R. S 13.9.13

Submitted.

12) The expression "restored to the arrears of due thereon" is not

GPB—65,000—17-6-12.

Serial No.

found anywhere in the Land Revenue Code. But under section 57 of the code, when on forfeiture the Dy commr may also otherwise dispose of the occupancy or alienation holding under rules or orders made in this behalf under sec: 233, and ~~under Rule 99 (b) of the Punjab Land Revenue Rules~~ under sec: 159, the Dy commr may declare the occupancy or alienated holding in respect of which an arrear of land revenue is due to be forfeited to Govt, and sell or otherwise dispose of the same under the provisions of sec: 54 and 55, and credit the proceeds, if any, to the defaulter's accounts.

(3) Under Rule 99(b) of the Land Revenue Rules, in the case of land forfeited under sec: 159, the Deputy Comr who, ~~in the case of~~ may direct that the land be either resumed and dealt with as an unoccupied land or disposed of in such manner as he may deem proper, ~~and in the~~

16

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

Jmis 85-13

General and Revenue Secretariat. | Legis File No. 11 of 1913-14

Serial No.

(a) The word 'forfeiture' cannot be substituted for resumption as ~~every case of forfeiture cannot be followed~~ every case of forfeiture need not be followed by resumption. It is only when the land if sold, does not fetch a fair price that the land may be resumed by Govt.

(b) As regards amendment of sec: 182 the statement of objects and reasons has been revised as personally directed.

(48) S.V.S. N.N
10/11/13

(b) The Expression 'resumed by Govt' does not occur in the Code but the procedure is authorised by rule 99 (4) of the Land Rev. Rules. 'Resumption' does not appear to be the equivalent of 'forfeiture'. 'Forfeiture' implies only the cessation of the occupants rights in the land; it does not indicate in what way the land finally disposed of. A forfeited land may be sold, or immediately taken possession of & disposed of (Sec. 55)

11

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Serial No.

or resumed to Govt (under Rule 99 (b))
Thus 'resumption' is one way of disposal of a 'forfeited' land + is thus an after-effect of it. The of the words 'forfeited to Govt' are introduced in the proposed amendment of Sec 110 (b), they may include to lands sold also + hence it seems preferable to retain the Expression 'resumed to Govt'

17) The Statement of Objects + Reasons has been suitably amended with regard to Sec. 182.

18) Submd + orders

Dr (Secy) 1st Education
Spl 13/11
Drug & Poisons 15/11 SJ

19) I do not think that we shall be justified in introducing a new term not used in the Code in this connection. The difficulty also shows that we should not amend the law as proposed or make a more thorough going amendment, by throwing the liability

NOTE—Contn. sheet.

R. S. 12]

General and Revenue Secretariat.

Legis File No. 11 of 191 3 - 14

Serial No.

to pay Kandaya of recognised shares jointly on all holders. perhaps it is also better to abolish 'recognised shares' and register them all as separate numbers.

2) the matter may perhaps be again considered at a meeting.

N.V.N

3/12/13

21. I agree. The matter may be reconsidered at a committee meeting once more.

17.2.14. M.V

C. Secty

22. Circulate to the members for a meeting.

K.R. Srinivasa Iyengar

20/2 /12

23. Seen

K.N.R.W 26.2.14

24 Well M.K.

3/3 C. Secty

25 Note for meeting

K.R.S

4/3

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

PB—1,000—19-7-13

Extract from the Proceedings of the 319th Meeting
of the Council of His Highness the Maharaja,
held at Bangalore on the 20th April 1914.

4. SUBJECT. - (Clause ii of the Schedule).

Draft Bill amending sections 110(b), 181 182 and 236 of the Land Revenue Code, 1888.

OPINION OF THE COUNCIL.

26. The Council are of opinion that the question of amending section 110(b) as proposed in the draft Bill may be dropped for the present and in other respects the draft Bill may be introduced into the Legislative Council.

Sd. M. Visvesvaraya
Dewan of Mysore

Extract"
D. M. Narasinga Rao.
Offg. Secretary to Govt.

G. R. S. 12]

General and Revenue Secretariat.

Legis File No. 1/ of 1913-14

Serial No.	
	D. S. N. III.
2	A draft Submission Note is also put up
	Sworn

Dwn 8/5

Dwarakala 24/5

NOTE—Contn. sheet.

GPB—60,000—7-11-13

Submitted to His Highness.

28 The question of amending sections 110(b), 181,182 and 236 of the Land Revenue Code,1888, was considered by the Council.

29. The proposed amendments are as follows:-

" (i) In section 110 clause (b) after the words "section 71" the words "or is resumed by Government for the arrears due thereon" shall be added.

"(ii) In section 181 for the words "shall be forfeited to Government" the words "shall, at the discretion of the Deputy Commissioner be liable to be forfeited to Government" sha be substituted.

"(iii) For the words "sale which is eventually made" occurring in section 182 the words "re-sale which is held by reason of the purchaser's default" shall be substituted.

"(iv) After the words "Kayamgutta village" occurring in the third para of section 236 the words "or where there are more holders than one of such village, on such application by so many of them as hold in the aggregate not less than three-fourths of the shares in such village " shall be added.

Page 9 of the office notes

31 The Council are of opinion that the question of amending section 110(b) as proposed in the draft Bill may be dropped as the proposed amendment goes beyond the law in the Bombay Presidency and imposes a certain amount of

hardship on the holders, and that in other respects the draft Bill may be introduced into the Legislative Council.

L.S.44-12-4J

31 4. The last of these amendments, viz., amendment of section 236 of the Code, has been urged by the Representative Assembly. Under the existing law, Survey and Settlement cannot be introduced into alienated villages if any one of the share holders, however small his -- interest, objects thereto. This works as a great hardship on the raiyats. Power is therefore proposed to be taken by this amendment to introduce Survey and Settlement in alienated holdings when an application is received therefor from holders enjoying not less than three-fourths of the share of the property.

32 5. The amendments of sections 181 and 182 have already been approved by His Highness.

33 6. I now solicit His Highness's approval to place the Bill before the Legislative Council.

M. Ramarao
16th June 1944.

13.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

A Bill to amend sections 181, 182 and 236 of the Land Revenue Code of 1888.

1069

Order.

34. ~~KRW~~
23/6/14

35. Sanctioned
24-6-14 do

36 Draft bill + St. of O & R to be issued excluding 110(6) + draft D.O to Revt.
Sen 25/6

G. R. S. 12]

Jud 85-13

14

General and Revenue Secretariat.

Legis File No. 11 of 191 3-14

Serial No.	
37	Subd. This file has not been seen by the members of the council after its return with H. H.'s orders. May the file be subd to them now and the revised draft Bill with draft S.O. to the Residency put up after its return. 28/7/14 (48) S.V.S 38. All right
39	30/6/14 29/6
40.	3.7.14 2/7
42	Submitted with the draft Bill and Statement of Objects and reasons revised, the necessary corrections being made in pencil, and also a draft S.O. to the Residency. If approved they will be got typed. 10/7/14 (48) S.V.S (43) N.N 6/7
44	Submitted with typed draft S.O. to the Residency as also typed copies of the Bill and the Statement of Objects and reasons 17/7/14 (48) S.V.S

Flagged Rs 6/7 half margin

NOTE—Contn. sheet.

GPB—60,000—7-11-13

14

G. R. S. 12]

General and Revenue Secretariat.

Leg. 585 — File No. 11 — of 191 5

Fins 85-13

Serial No.	
	Lis. For approval Nen 1717
	Legislative 46 1st Member Dewan Draft approved 1917
	47. Draft appd by First member on 18.7.14 Draft 1917
	48. Draft appd by Dewan 4/8/14 Draft 4/8
1	D.O. No 2005-S 4/8/14 To the Hon'ble the Resident- Forwards a copy of the Bill to amend the Mysore Land Rev. code 1888.
2	No 5822 dated 16th Aug: 1914 from the F.A. Resident- Intimates that the Resident sees no prima facie objection to the Bill being laid before the Legis. Council 49. Submitted. The Bill will have to be now taken up at the next meeting of the Legis. council. In the meanwhile the name of the member who has to be in charge of the Bill has to be

310
20.7.14
Copy of the D.O. dated by the Dewan is also placed on the file.
8/8/14

Fins

NOTE—Contn. sheet.

GPB—60,000—7-11-13

20

-G. R. S. 12]

General and Revenue Secretariat. | Legis File No. 11 of 191 3-14

Serial No.

determined

Ch (48) 50 May the Bill be noted against
28/8/14 Ntl the name of the Secretary (Mr. D. Narasaya)
in the agenda at the next meeting of the Leg. Council?

Eb
26/8

First Councillor)

51) Has it not been the practice hitherto that only the ex officio members had charge of all such for 2 measures? If there are precedents the other way I have no objn.

28/8/14

Hon
29/8

52) Please put up all the precedents on the subject

Legis 31/8

Eb
29/8

Subs

53) The following Bills were taken charge of by the officers named against each.

(1) The Bill to amend the Stamp Regn II of 1900 } Mr. A. Rangaswami Iyengar Revg. Counsr

(2) The Bill to amend the

X

21

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 12]

General and Revenue Secretariat. | Legis File No. 11 of 1913-14

Serial No.	
W	Code of Civil Pro. (Officiated with drawn) — Mr. S. Narayanaiya Govt. Advocate
P	(3) Bill to provide a law relating to Measure Sure in Mysore — Mr. A. Rangaswami Iyengar
V	(4) Bill to recognize the representative character of the Administrator General of Madras — Mr. K.S. Chandrasekhara Aiyar Secy. G.R.S.
U	(5) Bill further to amend the Mysore Land Revenue code, 1888 — Mr. K.S. Chandra-sekhara Aiyar
T	(6) Bill to consolidate and amend the law relating to Guardians and Wards in Mysore — Mr. K.S. Chandra-sekhara Aiyar

(21) Moreover in the para 2 of the submission note to H.H. in 16/6/88 recommending the appointment of Mr. K.S. Chandra-sekhara Aiyar, the then secretary to Govt. Gl. and Rev: Depts, as an additional member of the Council the Dewan has stated as follows:-

"It is very desirable that the General and Revenue Secretary should be a member of the Legislative Council.

(22)

NOTE—Contn. sheet.

GPB—10,000—13-6-14

General and Revenue Secretariat. | Legis File No. 11 of 1913-14

Serial No.

so that bills relating to matters connected with the Departments in the Dewan's direct charge, may, as a rule, be introduced and taken charge of by the Secretary. Bills relating to Departments in the charge of the two councillors being introduced by the Councillors."

S.V.S 4/9/14

2/9/14 Subject with reference to p. 49

G. Srinivasa Iyer Es 2/9

First Member)

(2) If the Dewan wishes that the Secretary shd take charge of the bill as representing the Rev. Dept in his direct charge, I have no objection. Please submit for his orders.

2/9/14 Dewan

4/9/14 H.V.N

4/9/14

4466 4-9-14 21.9 26.10.14 Dewan)

G. Srinivasa Iyer Es 7/9

If he has no objection, the First member I Council may take charge of the bill.

29.10.14. M.V

D.M.IV Dewan 30/10

30/10

(23)

NOTE—Contn. sheet.

GPB—10,000—13-6-14

G. R. S. 12]

General and Revenue Secretariat. | File No. | of 191 .

Serial No.	
	This was was ordered to be consolidated with another Bill for amending the Land Revenue Code (Mtc No 168-L.C. 857/2/15-). It was done accordingly and considered together and disposed of : (vide Legis 31-16). S.V.S. 15/11/16

(24)

NOTE—Contn. sheet.

GPB—10,000--13-6-14

. R. S. 12]

General and Revenue Secretariat. | Legis File No. 11 of 191 3.-14

Serial No.

25

NOTE—Contn. sheet.

GPB—25,000—2-11-14

Legis 11-13-1

D. O. No. 2005-1/4 in 2nd

Genl. & Rev. Secretariat.

Bangalore, the ~~4th July~~ 4th August 1914.

From The Dewan To The Hon'ble The Resident in Mysore

My dear Sir,

I enclose herein copy of a Bill further to amend the Mysore Land Revenue Code, 1888. The statement of objects and reasons accompanying the Bill explains the necessity for the measure. The Bill will be placed before the Legislative Council in due course.

Yours sincerely

18/7/14 Dated 1817 4.8.14.

To,

Hon'ble Col. Sir Hugh Daly K.C.I.E.
C.S.I.,
Resident in Mysore.

(26)

D.O. No. 5822 III secy 15/8

D. O. No. 2760

THE MYSORE RESIDENCY,

Bangalore, 14th August 1914

From the Hon'ble The President

To

The Hon'ble The Dewan

to the Dewan

My Dear Dewan Sahib

I am desired to acknowledge the receipt of your D.O. letter No. 2605, dated the 4th August 1914, forwarding a Bill further to amend the Mysore Land Revenue Code, 1888, and, in reply, to state that the Resident sees no prima facie objection to the Bill being laid before the Legislative Council.

DIARY No. J 585

	13/11/1915
SECTION	Legis
FILE No.	11-13
SERIAL No.	2

Yours sincerely

M. Visvesvaraya, Esq., C.I.E.,

Dewan of Mysore.

Secretary. 15.8.14.

27

Type 3 Copies
half margin

A Bill further to amend the Mysore Land Revenue Code, 1888.

Whereas it is expedient further to amend the Mysore Land Revenue Code, 1888, His Highness the Maharaja is pleased to enact as follows: —

Amendment of Section 110 (b)

1. In section 110 Cl. (b) after the words "section 71" the words " or is presumed by Government for the arrears due thereon" shall be added.

Amendment of Section 181

2. In Section 181 for the words "shall be forfeited to Government" the words "shall at the discretion of the Deputy Commissioner be liable to be forfeited to Government" shall be substituted.

Amendment of Section 182

3. For the words "sale which is eventually made" occurring in Section 182 the words "re-sale which is held by reason of the purchaser's default" shall be substituted.

ndment of Section 236

4. After the words "Kayamgutta village" occurring in the third para of Section 236 the words "or where there

there are more holders than one of such village, on such application by so many of them as hold in the aggregate not less than three-fourths of the shares in such village" shall be added.

T.S.
2

29

Statement of objects and reasons

Under Section 110, Clause (b) of the Land Revenue Code, 1888, when a recognised share of a Survey Number is relinquished by its owner, it has to be either made over to the occupants of the other shares or in the event of all of them refusing the occupancy, the assessment thereof has to be apportioned among and levied from them. But if the recognised share is sold for arrears of revenue and fetches no price, the same procedure cannot be adopted and the only course left open is to resume the land. As the recognised shares are not separately demarcated on the field, the above course affords considerable scope for encroachments &c., leading to loss of Government Revenue. With a view therefore to safeguard Government interest it is proposed to amend Section 110 (b) suitably so as to adopt the procedure prescribed therein for relinquishments in the case of resumption for arrears

(20

arrears of revenue.

It is ~~also~~ proposed to amend the provisions relating to the sale of immovable property contained in Sections 181 and 182 of the Code. Under the former Section in default of payment by the purchaser within the prescribed period of the full amount of purchase money, there is no alternative but to forfeit the deposit to Government, after defraying the expenses of the sale. In the Civil Procedure Code, on the other hand, such forfeiture of the deposit is optional. The compulsory forfeiture works as a hardship and it is proposed to confer a discretion upon the Deputy Commissioner to forfeit the deposit or not according to the circumstances in each case. Again Section 182 of the Code does not specifically indicate whether the liability to make good the deficiency of price in a resale applies both to the case of default of the deposit required

required in Section 179 and of payment within the prescribed period of the full amount of purchase money under Section 181. Under the Civil Procedure Code, no distinction is made between purchasers who make default in paying 25 per cent of the purchase money and those who having paid the deposit make default in payment of the balance. It is ~~thought~~ considered desirable that the same principle should be clearly laid down in the case of revenue sales also, the provisions concerning which would thus be brought into line with those regarding the Civil Court sales contained in the Civil Procedure Code.

2. The next amendment relates to the question of the introduction of Survey and Settlement in alienated villages. Para 3 of Section 236 empowers Government to authorise the introduction of Survey and Settlement into any alienated village on an application made by the holder of the village. Where the village is held jointly by more than one holde

holder, the consent of all is necessary before steps can be taken to introduce Survey and Settlement in it. Repeated representations have been made in the Representative Assembly to Government that the law should be amended so as to enable Government to introduce Survey and Settlement into alienated villages, when a large majority of the joint holders of such villages apply for the same. It is therefore proposed to amend Section 236 to take power to do so on the application of so many of the joint holders as hold in the aggregate not less than three-fourths of the shares in the village.

(33)

NOTIFICATION.

No. 247—L. C., dated 17th April 1915.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bills further to amend the Mysore Land Revenue Code, 1888, is published for general information.

By Order,
G. SRINIVASA IYER,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bills further to amend the Mysore Land Revenue Code, 1888.

We, the Members of the Select Committee appointed to consider the Bills further to amend the Mysore Land Revenue Code, 1888, have the honor to state that we have made only a slight addition to clause 1 of the Bill regarding the amendment of Section 181 of the Code by adding the words "either wholly or in part" at the end of the words "forfeited to Government." We have no other change to suggest in the Bills and we recommend that the consolidated Bills with the slight addition referred to above may be passed. As the Bill has not undergone material alterations we consider it unnecessary to republish the Bill.

A. Rangaswamy Iyengar (Chairman).
H. V. Nanjundayya.
K. S. Doraswamy Iyer.
K. R. Srinivasa Iyengar.
B. Narasinga Rao.

(34)

NOTIFICATION.

No. 114—L. C., dated Bangalore, the 22nd December 1914.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the following Bill to amend the Mysore Land Revenue Code, 1888, is published for general information together with a statement of objects and reasons.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

A Bill further to amend the Mysore Land Revenue Code, 1888.

Whereas it is expedient further to amend the Mysore Land Revenue Code, 1888 ; His Highness the Maharaja is pleased to enact as follows :—

Amendment of Section 181.

1. In Section 181 for the words "shall be forfeited to Government" the words "shall at the discretion of the Deputy Commissioner be liable to be forfeited to Government" shall be substituted.

Amendment of Section 182.

2. For the words "sale which is eventually made" occurring in Section 182, the words "re-sale which is held by reason of the purchaser's default" shall be substituted.

Amendment of Section 236.

3. After the words "Kayamgutta village" occurring in the third para of Section 236 the words "or where there are more holders than one of such village, on such application by so many of them as hold in the aggregate not less than three-fourths of the shares in such village" shall be added.

Statement of Objects and Reasons.

It is proposed to amend the provisions relating to the sale of immovable property contained in Sections 181 and 182 of the Code. Under the former section in default of payment by the purchaser within the prescribed period of the full amount of purchase money, there is no alternative but to forfeit the deposit to Government, after defraying the expenses of the sale. In the Civil Procedure Code, on the other hand, such forfeiture of the deposit is optional. The compulsory forfeiture works as a hardship and it is proposed to confer a discretion upon the Deputy Commissioner to forfeit the deposit or not according to the circumstances of each case. Again, Section 182 of the Code does not specifically indicate whether the liability to make good the deficiency of price in a re-sale applies both to the case of default of the deposit required in Section 179 and of payment within the prescribed period of the full amount of purchase money under Section 181. Under the Civil Procedure Code, no distinction is made between purchasers who make default in paying 25 per cent of the purchase money and those who having paid the deposit make the default in payment of the balance. It is considered desirable that the same principle should be clearly laid down in the case of revenue sales also, the provisions concerning which would thus be brought into line with those regarding the Civil Court sales contained in the Civil Procedure Code.

The next amendment relates to the question of the introduction of Survey and Settlement in alienated villages. Para 3 of the Section 236 empowers Government to authorize the introduction of Survey and Settlement into any alienated village on an application made by the holder of the village. Where the village is held jointly by more than one holder, the consent of all is necessary before steps can be taken to introduce Survey and Settlement in it. Repeated representations have been made in the Representative Assembly to Government that the law should be amended so as to enable Government to introduce Survey and Settlement into alienated villages, when a large majority of the joint-holders of such villages apply for the same. It is therefore proposed to amend Section 236 to take power to do so on the application of so many of the joint-holders as hold in the aggregate not less than three-fourths of the shares in the village.

REGULATION No. II OF 1916.

A Regulation further to amend the Mysore Land Revenue Code, 1888.

(Received the assent of His Highness the Maharaja on the 25th day of February 1916.)

Whereas it is expedient further to amend the Mysore Land Revenue Code, 1888; His Highness the Maharaja is pleased to enact as follows:—

Amendment of Section 181.

1. In Section 181 for the words "shall be forfeited to Government" the words "shall at the discretion of the Deputy Commissioner be liable to be forfeited to Government either wholly or in part" shall be substituted.

Amendment of Section 182.

2. For the words "sale which is eventually made" occurring in Section 182, the words "re-sale which is held by reason of the purchaser's default" shall be substituted.

Amendment of Section 185 of the Code.

3. In para 2 of Section 185 of the Code, after the words "after recording his reasons in writing" the words "and on such conditions as he may deem proper concerning the payment of interest on the money deposited or other compensation" shall be inserted.

Amendment of Section 236.

4. After the words "Kayamgutta village" occurring in the third para of Section 236 the words "or where there are more holders than one of such village, on such application by so many of them as hold in the aggregate not less than three-fourths of the shares in such village" shall be added.

M. VISVESVARAYA,
Dewan.

File No..13..7..1913

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Proceedings of the General and Revenue Secretariat.

(Legislation).

"A" Collection, Serial Nos. 1 to 4

A Regulation to amend the Mysore Military Regulation 1899.

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	D.O. Letter dated 27th December 1912 from Col A. A. Jones, Military Secretary to His Highness the Maharaja of Mysore Suggests certain amendments of the Mysore Military Regulation re the Military Court-Martial Proceedings		
	Letter No Pol 465, dated 18th December 1913 to the First Assistant to the Hon'ble the Resident in Mysore. Forwards two copies of the Bill further to amend the Mysore Military Regulation, 1899, for obtaining the sanction of the Govt of India to the Bill being passed into Law		
	Letter No 824, dated 3rd February 1914 from the First Assistant to the Hon'ble the Resident in Mysore. Informs that the Governor General in Council has been pleased to accord his consent to the Bill		
	Letter No J 2535, dated 5th March 1914 to the "Comptroller, Mysore Gazette Orders the publication of the Bill		

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further to amend the Supreme Military Regulation, 1894 as Regulation II of 1914.

Letter No Pol 773, dated 28th March 1914, to the First Assistant to the Hon'ble the Resident in Mysore.

Forwards 11 copies of the Regulation further to amend the Supreme Military Regulation & requests that two copies may be forwarded to the Court of the Nizam of Hyderabad